

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

CARY TOWER,

Plaintiff,

v.

CITY OF DENTON, KATHY DUBOSE,
DIANA ORTIZ, and CARLA ROMINE,

Defendants.

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CASE NO. 4:05cv302

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

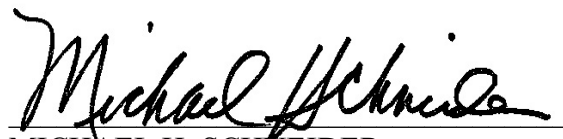
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On September 13, 2007, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that that the Individual Defendants' Motion for Summary Judgment (Dkt. 51) be GRANTED as to Plaintiff's First and Fifth Amendment Claims, Plaintiff's FMLA claims, and Plaintiff's Section 1985 claims, and DENIED in all other respects. The Court further recommended that the City of Denton's Motion for Dismissal of State Law Tort Claims against the Individual Defendants (Dkt. 56) be DENIED.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court. Therefore, the Individual Defendants' Motion for Summary Judgment (Dkt. 51) is GRANTED as to Plaintiff's First and Fifth Amendment Claims, Plaintiff's FMLA claims, and

Plaintiff's Section 1985 claims, and is DENIED in all other respects. Further, the City of Denton's Motion for Dismissal of State Law Tort Claims against the Individual Defendants (Dkt. 56) is DENIED. The Court also has GRANTED in part and DENIED in part Plaintiff's Motion to Strike Portions of Defendants' Evidence (Dkt. 55) and GRANTED in part and DENIED in part Defendants' Motion to Strike Portions of Plaintiff's Summary Judgment Evidence (Dkt. 58).

IT IS SO ORDERED.

SIGNED this 28th day of September, 2007.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE